

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

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CAMOFI MASTER LDC,

Plaintiff,

– against –

Case No. 09 CIV 00058

ECF CASE (AKH)

NOTICE OF MOTION

LISKA BIOMETRY, INC., LISKA IMAGING, INC., DCS
LISKA, INC., DCS LISKA EUROPE, INC., DCS EUROPE,
INC. and DIGITAL CARD SYSTEMS, INC.,

Defendants.

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LISKA BIOMETRY, INC., LISKA IMAGING, INC., DCS
LISKA, INC., DCS LISKA EUROPE, INC., DCS EUROPE,
INC. and DIGITAL CARD SYSTEMS, INC.,

Third-Party Plaintiffs,

– against –

Case No. 09 CIV 00058

ECF CASE (AKH)

CENTRECOURT ASSET MANAGEMENT, LLC,

Third-Party Defendant.

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PLEASE TAKE NOTICE that upon the annexed Affidavit of Michael Loew, sworn to April 7, 2009, and upon the exhibits attached thereto, the accompanying Memorandum of Law in support of this motion, and the pleadings herein, Plaintiff/Counterclaim Defendant CAMOFI Master LDC and Third-Party Defendant Centrecourt Asset Management, LLC (hereinafter collectively referred to as “Movants”), by their attorneys, Law Offices of David C. Berg, will move this Court, before the Honorable Alvin K. Hellerstein, United States District Judge, in Courtroom 14 D on May 4, 2009, or such other date directed by the Court, for an Order pursuant to

FED. R. CIV. P. §§ 9(b), 12(b)(6) dismissing the Counterclaims and Third-Party Complaint (hereinafter collectively referred to as "Counterclaims") of Defendants/Counterclaim-Plaintiffs Liska Biometry, Inc., Liska Imaging, Inc., DCS Liska, Inc., DCS Liska Europe, Inc., DCS Europe, Inc. and Digital Card Systems, Inc. (collectively "Defendants") on the grounds that: (a) Defendants have failed to allege fraud in the inducement with particularity as required by Rule 9(b) of the Federal Rules of Civil Procedure and (b) the Counterclaims fail to state a claim upon which relief can be granted as against the Movants, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
April 10, 2009

Respectfully submitted,

LAW OFFICES OF DAVID C. BERG

A handwritten signature in black ink, appearing to read "D. C. Berg", is written over a horizontal line.

By: David C. Berg (DB 4089)
425 Madison Avenue, 11th Floor
New York, New York 10017-1110
(212) 829-0400

Attorneys for Plaintiff/Counterclaim-Defendant
CAMOFI Master LDC and Third-Party Defendant
Centrecourt Asset Management, LLC

TO: Steven K. Long, Esq.
Grashow Long
Attorneys for Counterclaim Defendants/
Third-Party Plaintiffs
5780 Main Street
Williamsville, New York 14221
(716) 634-7400